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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,354	03/23/2004	Gregg R. Espenshade	10000-03 GRA-05A	3968
58898 7590 07/25/2008 LEMPIA BRAIDWOOD LLC 223 W. JACKSON BLVD. SUITE 620 CHICAGO, IL 60606				
EXAMINER				
PHAN, HAU VAN				
ART UNIT		PAPER NUMBER		
3618				
NOTIFICATION DATE		DELIVERY MODE		
07/25/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@lempialaw.com  
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### Office Action Summary

**Application No.**

10/806,354

**Applicant(s)**

ESPENSHADE, GREGG R.

**Examiner**

Hau V. Phan

**Art Unit**

3618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-11, 21, 22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-22, 25-26 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Acknowledgment*

1. The amendment filed on 7/2/2007 has been entered.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (4,923,208) in view of Juvet (1,887,763).**

Takahashi et al. in figures 1-3, 20-21, disclose a baby carriage comprising a basket (72) having a latch or a stopper (8). The latch includes a flange-shaped engagement portion (81). Takahashi et al. fail to show a latch mount.

Juvet in figures 1-6, teach a cabinet ironing board comprising a board (20) and a frame (12). The board includes a latch mount (28) and the frame includes a latch (29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the basket of Takahashi et al. with the cabinet ironing board having

a latch and a latch mount as taught by Juvet in order to have an alternative latch coupled to the basket to releasably engage the latch mount.

Regarding claim 2, Juvet teaches the frame including an upper rim mounted to pivot relative to the board, and the latch is coupled to the upper rim of the frame.

Regarding claim 3, Takahashi et al. teach the basket further including an enclosure (5) coupled to the upper rim.

Regarding claim 4, Takahashi et al. teach the latch including at least one flange configured to be coupled to the upper rim of the basket.

Regarding claim 5, Takahashi et al. disclose the stroller frame including a handle assembly having a pair of push arms, and each arm of the basket frame is pivotally coupled to a respective push arm of the handle assembly.

Regarding claim 6, Takahashi et al. disclose the stroller frame including a pivot extending between each arm of the basket frame and each respective push arm.

Regarding claim 8, Takahashi et al. teach the latch including a resilient spring member to releasably engage the latch mount.

Regarding claim 9, Takahashi et al. teach the latch that is generally U-shaped and includes a plate opposite the resilient spring member.

Regarding claim 10, Takahashi et al. teach the latch mount including a pocket having an upwardly facing shoulder, and the latch includes resilient spring member adapted to releasably engage the shoulder.

Regarding claim 11, Takahashi et al. teach the latch mount including a channel, and the rear cross member of the basket frame extends through the channel.

***Allowable Subject Matter***

5. Claims 21-22 and 25-26 are allowed.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11 and 24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hau V Phan/  
Primary Examiner, Art Unit 3618